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Amendments to the Claims

The listing of claims below will replace all prior versions and listings of claims in the application.

Listing of Claims:

1-10. (canceled)

11. (original) A bacteria measuring apparatus comprising:
a sampling device for sampling a sample comprising fluorescently stained bacteria;
a first detector for detecting size information from each bacterium in the sample;
a second detector for detecting fluorescence information expressing intensity of fluorescent light emitted from each bacterium in the sample; and
a control unit configured for creating a scattergram of the bacteria using the size information and the fluorescence information as parameters, for analyzing distribution of the bacteria in the scattergram, and for determining whether the bacteria in the sample is bacillus or coccus based on an analysis result.
12. (original) The apparatus of Claim 11, wherein the control unit determines a value representing a state of the distribution.
13. (original) The apparatus of Claim 11, wherein the control unit determines a maximum variance direction of the distribution.
14. (original) The apparatus of Claim 13, wherein the control unit determines a slope of the maximum variance direction.
15. (original) The apparatus of Claim 11, wherein the first detector detects scattered light obtained from the bacteria.
16. (original) The apparatus of Claim 11, wherein the first detector comprises:

a member having a pore for passing through the bacteria; and
first and second electrodes;

wherein the first detector detects electrical resistance between the first
and the second electrodes, which is generated by passage of the bacteria
through the pore.

17. (original) The apparatus of Claim 11, further comprising:
a flow cell for flowing the sample comprising the bacteria; and
a laser light source for irradiating the sample within the flow cell;
wherein the first detector detects scattered light emitted from the bacteria
in the sample irradiated by the laser light source; and
wherein the second detector detects the fluorescent light emitted from the
bacteria in the sample irradiated by the laser light source.
18. (original) The apparatus of Claim 11, further comprising:
a specimen holding part for placement of a specimen;
a reagent holding part for placement of fluorescent dye reagent; and
a mixing part for preparing a sample by mixing the specimen and the fluorescent
dye reagent.
19. (original) The apparatus of Claim 11, further comprising an output part for
outputting a result determined by the control unit.
20. (original) The apparatus of Claim 19, wherein the output part outputs a warning
when the control unit has determined that determining bacteria type is difficult.
21. (original) The apparatus of Claim 19, wherein the output part outputs a degree of
reliability for a type of bacteria determined.
- 22-24. (canceled)

25. (original) A bacteria measuring apparatus comprising:
a sampling device for sampling a sample comprising fluorescently stained bacteria;
a first detector for detecting size information from each bacterium in the sample;
a second detector for detecting fluorescence information expressing intensity of fluorescent light emitted from each bacterium in the sample; and
a control unit configured for analyzing the size information and the fluorescence information, and for determining whether the bacteria in the sample is bacillus or coccus based on an analysis result.
26. (original) The apparatus of claim 25, further comprising an output part,
wherein the control unit creates a scattergram based on the size information and the fluorescence information, and the output part outputs the scattergram created.
27. (original) A bacteria measuring apparatus comprising:
a sampling device for sampling a sample comprising fluorescently stained bacteria;
an optical detection unit configured for irradiating the bacteria in the sample, and for detecting optical information from the bacteria; and
a control unit configured for analyzing the optical information detected, and for determining whether the bacteria in the sample is bacillus or coccus based on an analysis result,
wherein the optical detection unit comprises a detector for detecting fluorescent light emitted by the bacteria in the sample.

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SUPPORT FOR AMENDMENTS

Claims 1-10 and 22-24 are canceled without prejudice to their continued prosecution in a continuation and/or divisional application.

The specification has been amended to include an unintentionally delayed priority reference in accordance with 37 CFR § 1.55. This information has already been recognized by the Office as shown by its inclusion on the official filing receipt, a copy of which is enclosed. Thus, Applicant submits that no petition under 37 CFR § 1.78(a) or surcharge under 37 CFR § 1.17(t) is required to correct this priority claim. However, should any fees under 37 CFR §§ 1.16 to 1.21 be deemed necessary for any reason relating to this communication, the Commissioner is hereby authorized to charge such fees to a deposit account, as authorized in the Transmittal accompanying this Response.

Upon entry of this Response, claims 11-21 and 25-27 are present and active in the application.